



Boating Grants Issues



SOBA 2019 Boating Access Education & Training Symposium





Panel



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Topics



- **Program Income**
- **Boating Access Safety Margins**
- **Compliance Issues**
- **Third Party Agreements**
- **Performance Reports**
- **Project Monitoring and need for facility inventories**
- **Disposition of grant funded equipment**
- **General Grant Housekeeping**



Program Income



- ***Gross income received by the grantee or subgrantee and earned only as a result of the grant during the grant period.***
- **Includes revenue from:**
 - **Use or rental of real or personal property acquired, constructed, or managed with grant funds;**
 - **Payments by concessioners or contractors under an arrangement with the agency or subgrantee to provide a service in support of grant objectives on real property acquired, constructed, or managed with grant funds;**



Program Income



- **Does NOT include revenue from:**
 - **Sales receipts retained by concessioners or contractors under an arrangement with the agency to provide a service in support of grant objectives on real property acquired, constructed, or managed with grant funds.**



Safety Margins – Boating Access



- The boating access safety margin is calculated differently than Sport Fish Restoration:

SUM of: Last 4 years boating access allocations

LESS: End of year unobligated balance of BA funds

EQUALS: Boating Access Safety Margin

- If unliquidated Federal funds remain at the close of the grant and they fail to pass through Safety Margins, then they revert back to the SFR program.



Compliance Issues



Laws and Policies: Environmental, Cultural Resources, and Animal Welfare (Exhibit 1, 519 FW 2)

<https://www.fws.gov/policy/e1519fw2.pdf>

- National Environmental Policy Act (NEPA) of 1969, as amended
- Clean Water Act of 1977, Section 404, as amended
- Coastal Zone Management Act of 1972, as amended
- Coastal Barriers Resources/Improvement Act (CBRA) of 1990

<https://www.fws.gov/cbra/>

- Endangered Species Act of 1973, as amended
- National Historic Preservation Act (NHPA) Section 106



Third Party Agreements



- **Required when a State uses grant funds to construct or modify boating facilities on property owned by a third party**
- **It's the legal instrument to define party responsibilities**
 - **MOU, MOA, Lease Agreement, Cooperative Agreement, Interagency Contract, etc.**
 - **No standard format; your WSFR office can provide guidance**
 - **Important to be very detailed; include management and maintenance responsibilities**



Third Party Agreements



- The State is ultimately responsible for sub-recipients performance and actions under an award, so the agreement protects the State if issues arise
- Include Notice of Federal Participation language into agreement
- The agreement start and end dates should cover the duration of the useful life of the facility (because the Federal interest does)



Third Party Agreements



- **Before entering agreement:**
 - **Realize these are long-term; longer than the grant period of performance**
 - **Assess the risk of the sub-recipient carefully before entering into an agreement; do they have grant experience and/or dedicated staff to assist?**
 - **Ensure sub-recipient knows there will be restrictions placed on the land/facility for the duration of the useful life**



Performance Reports



- The performance reports should be able to tell the grant administrator the story of project
 - We should be able to take just the final performance report on a monitoring trip and know what to expect on site
- It should be a short story rather than a novel but still illustrate more than you can in haiku form
- Include as many photos as you would like to demonstrate your accomplishments
- Remember to follow the reporting timeline included in your award letter
- Tell us what went well and don't hesitate to tell us what challenges you had also



Performance Reports



What you need to include in your performance reports (43 CFR 12.80):

- Grant Award ID number
- Grant Award Title
- Grant Award Period of Performance
- Type of Performance Report
- Performance Reporting Period
- Proposed and Progress Towards Objectives
- Deviations from the Approved Objective(s) or Approach(es)

What you should also include:

- Results compared to prior years' projects
- Cost efficiencies achieved or any new cost-efficient practices developed
- Any unexpected benefits, promising practices, or lessons learned
- Include any photos or other documentation as a result of the project



Facility Monitoring & Inventories



There is a lot of flexibility provided to how you achieve your facilities monitoring

- Recipients are responsible for managing and monitoring each project, program, subaward, function or activity supported by the award
- Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:
 1. Property records must be maintained including
 - description of the property - serial number - source of property - who holds title - acquisition date
 - cost of the property - percentage of Federal participation - the location - use and condition of the property
 2. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
 3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property.
 4. Adequate maintenance procedures must be developed to keep the property in good condition.
 5. If the grantee or subgrantee is authorized to sell the property, proper sales procedures must be established
- Recipients shall monitor subawards to ensure subrecipients have met the audit requirements as delineated in 43 CFR 12.926



Equipment



- ***Tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. Includes revenue from:***



Equipment



- **2 CFR 200.313**
 - **Title**
 - **Use**
 - **Management**
 - **Disposition**



General Grant Housekeeping



- **Coordinate early and often! Don't wait for Performance Reporting to identify changes. Use the Phone.**
- **Pass Through (Subawards) does not mean set-it and forget-it. It still requires project management. Project Management is a verb.**
- **The Grant is the Federal Share + the Non-Federal Share. When the grant is awarded, all aspects of that Award are a Federal Action.**



General Grant Housekeeping



- **Pre-award costs are not being requested at the application stage but later into the grant cycle.**
- **Budget narratives are limited and lacking in detail.**
- **Broad, multi-project grants lacking sufficient narrative detail.**
- **Need the States to be clearer on providing information on indirect cost rates used to estimate costs at the time of application.**



General Grant Housekeeping



- **Reversion risks:** Need to be more aware, or up to date, on unobligated balances, recoveries, and reversion risks. Especially tricky when you have multiple funding sources for an award.
- **Amendments –Boating Program grants** seem to get numerous amendments. States need to be aware that changes in scope, cost, or duration should be addressed promptly with an amendment.
- **Performance Reports:** quality and thoroughness of reports is lacking many times.

